

**LEGISLATIVE COUNSEL
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91ST CONGRESS
1ST SESSION

S. 337

IN THE SENATE OF THE UNITED STATES

JANUARY 16 (legislative day, JANUARY 10), 1969

Mr. TYDINGS (for himself and Mr. SPONG) introduced the following bill; which
was read twice and referred to the Committee on the District of Columbia

A BILL

To establish a public parking authority in the District of Columbia.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SHORT TITLE

4 SECTION 1. This Act may be cited as the "District of
5 Columbia Parking Facility Act".

6 FINDINGS OF FACT

7 SEC. 2. The Congress finds that—

8 (1) the growth and development of the National
9 Capital area have been accompanied by an ever-increas-
10 ing number of persons entering the District by motor ve-
11 hicle which has resulted in serious traffic congestion;

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1 (2) this congestion restricts the interchange of
2 goods, services, and people between the District and the
3 surrounding suburbs, to the detriment of both; imposes
4 hardships and inconvenience on residents, employers,
5 employees, and tourists in the National Capital area;
6 impedes the efficient conduct of the United States and the
7 District governments; and interferes with the rapid and
8 effective disposition of police and firefighting equip-
9 ment;

10 (3) the orderly growth and development of the Na-
11 tional Capital area requires a balanced transportation
12 system which provides residents of and visitors to the Na-
13 tional Capital area a variety of economic and efficient
14 means of travel into and through the District;

15 (4) a balanced transportation system requires ade-
16 quate highways, rapid rail transit, buses, and off-street
17 parking facilities for motor vehicles;

18 (5) off-street parking facilities in sufficient num-
19 bers and at rates and locations adequate to meet the
20 needs of the National Capital area have not been pro-
21 vided; and

22 (6) the establishment of a parking authority to
23 supplement existing parking with additional off-street
24 parking facilities is necessary to maintain and improve
25 the economic well-being of the National Capital area, the

1 safety, convenience, and welfare of the residents thereof
2 and the visitors thereto, and the efficiency of the United
3 States and District governments.

4 CREATION OF PARKING BOARD

5 SEC. 3. (a) There is established a body politic and cor-
6 porate of perpetual duration, to be known as the "District
7 of Columbia Parking Board" (hereafter in this Act referred
8 to as the "Parking Board"). The Parking Board shall con-
9 sist of three members, who shall be the Commissioner of
10 the District or his designee, the Secretary of the Interior or
11 his designee, and the Administrator of General Services or
12 his designee. Two members of the Parking Board shall
13 constitute a quorum. The members of the Parking Board
14 shall select from among their number a chairman and a
15 vice chairman of the Parking Board.

16 (b) The Parking Board shall appoint, subject to the
17 provisions of title 5, United States Code, governing appoint-
18 ments in the competitive service, and other applicable laws
19 relating to employees of the District, an Administrator. The
20 Parking Board may delegate to the Administrator such
21 authority as may be necessary or convenient to carry out the
22 purposes of this Act.

23 (c) In carrying out its duties under this Act, the Park-
24 ing Board shall take such action as may be necessary to
25 insure the equitable distribution of parking facilities among

1 the properties of the Government with due regard for the
2 comparative urgency of need for such facilities, and to that
3 end it shall take into consideration the availability of public
4 transportation, other Government as well as commercial off-
5 street parking facilities, and municipal, regional, and other
6 planning for the future extension or improvement of public
7 transportation and parking facilities. The highest priority
8 shall be given to any project to provide parking facilities for
9 motor vehicles of officers and employees of the Government
10 employed in the buildings on North Capitol Street presently
11 occupied by the Government Printing Office. In determining
12 the location and design of those parking facilities consid-
13 eration shall be given to the incidence of crime in the area
14 surrounding those buildings.

15 **PARKING ADVISORY COUNCIL**

16 **SEC. 4.** (a) There is hereby established a Parking Ad-
17 visory Council (hereafter in this Act referred to as the "Ad-
18 visory Council"). The Advisory Council shall be composed
19 of nine members, consisting of the Director of the District of
20 Columbia Department of Highways and Traffic or his desig-
21 nee, the Chairman of the National Capital Planning Com-
22 mission or his designee, and the general manager of the
23 Washington Metropolitan Area Transit Authority or his
24 designee, all ex officio, and six members from private life
25 appointed by the Parking Board, one of whom shall be des-

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1 ignated biennially by the Parking Board to serve as Chair-
2 man. Two of the members appointed from private life shall
3 be experienced parking operators in the National Capital
4 area and the other members appointed from private life shall
5 be chosen to reflect a range of experience in such fields as
6 architecture, engineering, retail trade, real estate, financing,
7 law, and transportation.

8 (b) The members of the Advisory Council appointed
9 by the Parking Board shall be appointed for a term of four
10 years, except that with respect to the first appointments
11 made after this Act becomes effective, one member shall
12 be appointed for a one-year term, one member shall be
13 appointed for a two-year term, two members shall be
14 appointed for a three-year term, and two members shall be
15 appointed for a four-year term. Any member appointed to
16 fill a vacancy shall serve only for the unexpired term of the
17 member he is replacing. Any member shall be eligible for
18 reappointment.

19 (c) (1) Members of the Advisory Council who are
20 officers or employees of the United States or of the District
21 shall serve without compensation in addition to that received
22 in their regular public employment, but shall be entitled
23 to reimbursement for travel, subsistence, and other necessary
24 expenses incurred by them in the performance of duties
25 vested in the Advisory Council.

1 (2) Members of the Advisory Council, other than those
2 to whom paragraph (1) is applicable, shall receive com-
3 pensation at the rate of \$50 per day for each day they are
4 engaged in the performance of their duties as members of
5 the Advisory Council and shall be entitled to reimbursement
6 for travel, subsistence, and other necessary expenses in-
7 curred by them in the performance of their duties as mem-
8 bers of the Advisory Council.

9 (d) It shall be the duty of the Advisory Council to
10 advise and assist the Parking Board in carrying out its func-
11 tions under this Act, including the overall planning of park-
12 ing facilities, the acquisition, construction, design, and opera-
13 tion of such facilities, and such other matters as the Parking
14 Board shall request or the Advisory Council shall determine.
15 The Parking Board shall request the views of the Advisory
16 Council on each matter made subject to a public hearing
17 by this Act, and shall include the report of the Council, if
18 any, in the Parking Board's record.

19 (e) The Advisory Council is authorized, within the
20 limits of funds authorized by the Parking Board and subject
21 to the provisions of title 5, United States Code, governing
22 appointments in the competitive service and other applicable
23 laws relating to employees of the District, to appoint an
24 executive secretary. Subject to reimbursement by the Park-
25 ing Board for the salaries, retirement, health benefits, and

1 similar costs for such employees, the ex officio members of
2 the Advisory Council and the Commissioner of the District
3 shall make available to the executive secretary such staff,
4 information, and technical assistance as he shall require to
5 enable the Advisory Council to carry out its responsibilities
6 under this Act.

7 (f) The Advisory Council is authorized, within the
8 limit of funds authorized by the Parking Board and in accord-
9 ance with the provisions of section 21 (a) (11) of this Act, to
10 hire independent consultants to assist it in carrying out its
11 responsibilities under this Act.

12 COMPREHENSIVE PARKING STUDY

13 SEC. 5. (a) The Advisory Council shall, within one year
14 following the effective date of this Act, and not less than once
15 each five years thereafter, prepare and distribute a compre-
16 hensive report on parking in the District metropolitan area.
17 Such report shall include—

18 (1) an inventory of existing parking facilities in the
19 District, both public and private, and an analyses of the
20 manner and extent to which they are utilized;

21 (2) an inventory of the existing and reasonably
22 anticipated transportation facilities in the National
23 Capital area, including roads, highways, buses, and rapid
24 rail transit, and an analysis of the manner and extent to
25 which they are utilized;

1 (3) an analysis of the extent, type, and location of
2 all parking facilities and on-street parking which are
3 necessary or desirable for achieving balanced transporta-
4 tion and an efficient flow of traffic in the National Capital
5 area together with recommendations as to the need,
6 if any, for additional public parking facilities and the
7 areas within which such facilities should be located; and

8 (4) any other information or recommendations that
9 the Advisory Council determines to be useful to the
10 Parking Board in carrying out its duties under this Act.

11 (b) The Advisory Council shall refer the parking report
12 to all interested agencies in the National Capital area for their
13 information and comments. The parking report and all rele-
14 vant data used to compile the report shall be made available
15 to owners and operators of private parking facilities in the
16 District in order to enable them more effectively to plan the
17 operation and expansion of their facilities.

18 ACQUISITION OF PARKING FACILITIES

19 SEC. 6. (a) The Parking Board is authorized to acquire,
20 in its own name, by purchase, lease, gift, exchange, condem-
21 nation, or otherwise, such property, real or personal, in the
22 District, including any rights or interests therein, as the
23 Parking Board may require to carry out the provisions of
24 this Act. The Parking Board shall not acquire by condemna-

1 tion any parking facility operated as such on October 8,
2 1968.

3 (b) The Commissioner of the District is authorized to
4 make available to the Parking Board, without consideration,
5 air and subsurface rights in areas consisting principally of
6 land in street, highway, railway, or subway rights-of-way,
7 bridges, and other lands under his jurisdiction and control in
8 the District for use by the Parking Board in carrying out its
9 duties under this Act. The Commissioner, to the extent fea-
10 sible, shall exercise this authority to enable the Parking
11 Board to locate parking facilities in such manner as to coor-
12 dinate parking with any future highway or subway con-
13 struction in the District. Nothing in this Act shall be con-
14 strued as modifying or superseding any provision of title 23,
15 United States Code.

16 (c) The Secretary of the Interior and the Administrator
17 of General Services are authorized, subject to such terms and
18 conditions as they may prescribe, to make available to the
19 Parking Board, without consideration, subsurface rights in
20 lands in the District under their respective jurisdiction and
21 control for use by the Parking Board in carrying out its duties
22 under this Act.

23 (d) The Parking Board shall take no final action with

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1 respect to the acquisition of a parking facility or the acqui-
2 tion of any real property for the purpose of establishing
3 thereon a parking facility (other than the taking of options)
4 until the Parking Board has—

5 (1) obtained a study of such proposed facility from
6 an independent expert qualified to evaluate the feasibil-
7 ity of any such facility, and

8 (2) held a public hearing to obtain views on the
9 need for such facility, its proposed size, and its economic
10 feasibility.

11 The Parking Board shall publish notice of any such hear-
12 ing in at least one newspaper of general circulation in the
13 District at least twenty days prior to such hearing.

14 (e) The acquisition, by condemnation, of real property
15 for use by the Parking Board under this Act shall be au-
16 thorized only if, prior to the initiation of proceedings to con-
17 demn such property, the Parking Board shall have—

18 (1) retained at least two qualified, independent real
19 estate appraisers to assist it in establishing the fair mar-
20 ket value of the property, and received in writing from
21 such appraisers such value;

22 (2) established a fair market value for the property
23 based on such appraisal;

24 (3) certified that it has been unable to purchase the
25 property at such fair market value;

1 (4) certified that decent, safe, and sanitary housing
2 can reasonably be expected to be available to any fami-
3 lies which may be displaced by such condemnation
4 action at rentals they can reasonably afford; and

5 (5) certified that, barring acts of God or other un-
6 foreseeable circumstances, it will commence, or cause to
7 be commenced, construction of a parking facility upon
8 such property within one year following the date of
9 acquisition.

10 After the Parking Board has complied with the require-
11 ments of paragraphs (1) through (5) of this subsection
12 with respect to any real property, it shall notify each House
13 of Congress of its intent to initiate condemnation proceedings
14 with respect to such real property. The Parking Board may
15 initiate such proceedings unless between the date of the
16 transmittal of such notice and the end of the first period
17 of sixty calendar days of continuous session of Congress
18 after that date either House passes a resolution, reported
19 from its Committee on the District of Columbia, stating in
20 substance that that House does not favor the initiation of
21 such proceedings. The provisions of section 906 of title 5,
22 United States Code, shall apply with respect to determining
23 when the sixty day period referred to in the preceding sen-
24 tence has terminated. The provisions of sections 908, 910,
25 911, 912, and 913 of such title shall apply with respect to

1 the consideration of the resolution provided for in this sub-
2 section.

3 (f) Condemnation proceedings brought pursuant to this
4 section shall be brought in the name of the Parking Board.
5 Such proceedings shall be instituted and conducted in the
6 United States District Court for the District of Columbia,
7 which court shall have jurisdiction of such proceedings, and
8 shall be prosecuted in accordance with the procedure in
9 proceedings instituted and conducted under the au-
10 thority of subchapter II of title 16 of the District of
11 Columbia Code, except that wherever in such subchapter
12 (1) the terms "Board of Commissioners" or "Board" appear,
13 such terms shall be deemed, for the purposes of this Act, to
14 mean the Parking Board, (2) provision is made for prop-
15 erty to be taken in the name of the District of Columbia,
16 such provision shall, for the purposes of this Act, be con-
17 strued to mean that property shall be taken in the name
18 of the Parking Board, (3) reference is made to the District
19 of Columbia (as a party to a proceeding instituted or con-
20 ducted under the authority of such subchapter), such refer-
21 ence shall be deemed a reference to the Parking Board, and
22 (4) any payment is required to be made from appropriated
23 funds, such payment is authorized to be made from any
24 moneys of the Parking Board which are available for such
25 purpose.

1 (g) The Parking Board may make relocation payments
2 to any person displaced by reason of its acquisition of prop-
3 erty under this section to the same extent as such person
4 would be entitled to receive if such payments were made
5 under section 114 of title I of the Housing Act of 1949 (42
6 U.S.C. 1465). The Parking Board and the District of Co-
7 lumbia Redevelopment Land Agency are authorized to enter
8 into an agreement under which such Agency shall under-
9 take to administer the payments authorized to be made by
10 this subsection, and provide the Parking Board with reloca-
11 tion services in like manner as such Agency provides such
12 services to the Commissioner of the District.

13 (h) No parking facility shall be established under this
14 Act upon any property zoned residential without the ap-
15 proval of the Zoning Commission of the District, which may
16 grant such approval only after public notice and hearing in
17 accordance with the provisions of section 3 of the Act of
18 June 20, 1938 (D.C. Code, sec. 5-415).

19 PARKING BOARD AUTHORIZED TO CONSTRUCT AND
20 OPERATE FACILITIES

21 SEC. 7. (a) The Parking Board is authorized to under-
22 take, by contract or otherwise, the clearance and improve-
23 ment of any property acquired by it under this Act as well
24 as the construction, establishment, reconstruction, alteration
25 repair, and maintenance thereon of parking facilities. The

1 Parking Board shall take such action as may be necessary
2 to insure that all laborers and mechanics employed in the
3 performance of such construction, alteration, or repair shall
4 be paid wages at rates not less than those prevailing on simi-
5 lar construction in the locality as determined by the Secre-
6 tary of Labor, in accordance with the Act of March 3, 1931
7 (the Davis-Bacon Act, 40 U.S.C. 276a—276a-5). The
8 Secretary of Labor shall have, with respect to the labor
9 standards specified herein, the authority and functions set
10 forth in Reorganization Plan Numbered 14 of 1950 (15
11 F.R. 3176; 5 U.S.C. 133z-15) and section 2 of the Act
12 of June 13, 1934 (40 U.S.C. 276 (c)).

13 (b) The Parking Board may—

14 (1) include in any facility acquired or constructed
15 under this Act air space at or below the level of the
16 street on which such facility fronts or abuts for purposes
17 other than parking, and

18 (2) make provision for the development of the
19 air rights above any parking structure of four or more
20 stories for purposes other than parking,

21 if the Parking Board determines that the utilization of such
22 space or air rights for commercial purposes is expedient for
23 the financing of such parking facility and is compatible with
24 the development and zoning of the vicinity in which such
25 facility is located. The lease under section 8 of this Act of

1 any facility constructed or acquired by the Parking Board,
2 shall include the space and air rights referred to in para-
3 graphs (1) and (2) of this subsection. No petroleum
4 products shall be sold or offered for sale in any entrance to
5 or exit from any parking facility constructed or acquired under
6 this Act.

7 (c) The Parking Board shall, as soon as practicable,
8 lease or sell, pursuant to sections 8 and 9 hereof, any facility
9 acquired or constructed under this Act unless the Parking
10 Board determines that the public interest would best be
11 served if it operated such facility itself, and includes in its
12 record of the matter a statement as to its reasons therefor.
13 Each such determination so made shall be reviewed by the
14 Parking Board not less than every three years following the
15 date on which such determination is made.

16 (d) In operating any such facility, the Parking Board
17 shall, to the extent feasible, provide, by contract or other-
18 wise, for such operation of its parking facilities by any person
19 or management firm competent to manage the operation.
20 Any such contract shall be subject to the Service Contract
21 Act of 1965 (41 U.S.C. 351-357).

22 PARKING BOARD AUTHORIZED TO LEASE FACILITIES

23 SEC. 8. (a) The Parking Board is authorized to lease
24 any parking facility acquired or constructed by it for such
25 period of time, as the Parking Board may determine, except

1 that a lease which is used as security for permanent financ-
2 ing shall not exceed forty years in duration and any other
3 lease shall not exceed five years in duration. The Parking
4 Board shall invite competitive bids for the lease of any
5 parking facility, but the Parking Board may reject any and
6 all such bids.

7 (b) The Parking Board shall not lease any such facility
8 for an annual rental in an amount less than that which is
9 necessary to amortize, within a forty-year period, the cost
10 of acquiring or constructing such facility and to provide a
11 reasonable reserve for such purpose; to meet the Parking
12 Board's obligations, if any, under the lease including any
13 obligation to repair, maintain, or insure the facility; and to
14 meet all administrative expenses and other charges in con-
15 nection therewith; except that the Parking Board may, for
16 good cause, accept, for such number of years as the Parking
17 Board may determine is necessary, a lower rental than the
18 minimum hereinabove prescribed, subject to the repayment
19 to the Parking Board of the difference between such lower
20 rental and such minimum rental prior to the termination of
21 the period for which the parking facility is leased.

22 (c) The lease of a parking facility shall be upon terms
23 and conditions requiring that such parking facility shall be
24 operated and maintained, during the term of the lease, for
25 the parking of motor vehicles by the general public in ac-

1 cordance with rates, hours of service, methods of operation,
2 rules, and regulations established or approved by the Park-
3 ing Board and posted in such parking facility by the lessee.
4 Such lease shall take into account the fair value of any
5 space in, on, above, or below such facility available for
6 purposes other than parking.

7 PARKING BOARD AUTHORIZED TO SELL FACILITIES

8 SEC. 9. (a) The Parking Board is authorized to sell any
9 parking facility other than any facility constructed on land
10 owned by or acquired from the Governments of the United
11 States or the District. The Parking Board shall invite com-
12 petitive bids for the sale of any such parking facility, but
13 may, whenever it determines it to be in the public interest,
14 negotiate the sale of such facility. The Parking Board shall
15 include in its record of the matter a statement as to its reason
16 for so negotiating any such sale.

17 (b) The sale of any such parking facility shall be upon
18 terms and conditions requiring that such parking facility
19 shall be operated and maintained for the parking of motor
20 vehicles by the general public in accordance with rates, hours
21 of service, method of operation, rules, and regulations estab-
22 lished or approved by the Parking Board and posted in
23 such parking facility by the purchaser.

24 (c) The Parking Board is authorized, in connection

1 with the sale of a parking facility acquired or constructed by
2 it, to include in the deed for such property a covenant, run-
3 ning with the land, whereby the purchaser agrees, for him-
4 self and his successors in interest, that the property purchased
5 from the Parking Board will be used as a parking facility
6 for such period of time as the Parking Board shall specify in
7 said covenant. The Parking Board is authorized to agree,
8 subject to the requirements of subsection (b) of this section,
9 to the release or modification of any such covenant whenever
10 the Parking Board shall find, after public hearing, that the
11 operation of a parking facility no longer is in the public
12 interest, the development of the vicinity in which such park-
13 ing facility is located is or will be of such a character as to
14 make such facility incompatible with such vicinity, or such
15 vicinity will not economically support any such parking
16 facility. Such a hearing shall be held upon the request of any
17 purchaser (or successor in interest) who has held such park-
18 ing facility for at least 5 years.

19 LEASING LAND FOR DEVELOPMENT

20 SEC. 10. (a) The Parking Board is authorized to lease
21 for terms not exceeding forty years, any land acquired pur-
22 suant to this Act, and to stipulate in such lease that the lessee
23 shall erect at his or its expense a structure or structures on
24 the land leased, which structure or structures and land shall
25 be primarily used, maintained, and operated as a parking

1 facility. Every such lease shall be entered into upon such
2 terms and conditions as the Parking Board shall impose in-
3 cluding requirements that (1) such structure or structures
4 shall conform with the plans and specifications approved by
5 the Board, (2) such structure or structures shall become the
6 property of the District, or in the case of a facility con-
7 structed on land under the control and jurisdiction of the
8 United States, become the property of the United States,
9 upon termination or expiration of any such lease, (3) the
10 lessee shall furnish security in the form of a penal bond, or
11 otherwise, to guarantee fulfillment of his or its obligations,
12 and (4) the lessee shall take such action as may be necessary
13 to insure that all laborers and mechanics employed in the
14 performance of such construction, alteration, or repair shall
15 be paid wages at rates not less than those prevailing on
16 similar construction in the locality as determined by the
17 Secretary of Labor, in accordance with the Act of March 3,
18 1931 (the Davis-Bacon Act, 40 U.S.C. 276a-276a-5),
19 and any other requirements which, in the judgment of the
20 Parking Board, shall be related to the accomplishment of the
21 purposes of this Act.

22 (b) The lessee may, with the consent of the Parking
23 Board—

24 (1) sublease or develop space in such facility at or

1 below the level of the street upon which such facility
2 fronts or abuts for purposes other than parking; and

3 (2) sublease or develop air rights above any park-
4 ing structure of four or more stories for purposes other
5 than parking;

6 if the Parking Board determines that the utilization of such
7 space or air rights for such other purposes is expedient for
8 the financing of such parking facility and is compatible with
9 the development of the vicinity in which such facility is
10 located. No petroleum products shall be sold or offered for
11 sale in any entrance to or exit from any parking facility con-
12 structed or acquired under this Act. The rentals so generated
13 shall be taken into account in fixing the sales price of any
14 real property sold pursuant to this Act and the approval of
15 rates for the parking of motor vehicles in the parking facility
16 constructed thereon.

17 (c) Any such lease made pursuant to this section
18 shall be upon such terms and conditions as the Parking Board
19 shall determine, and shall include requirements that any
20 parking facility constructed on the land so leased shall be
21 operated and maintained for the parking of motor vehicles
22 by the general public in accordance with rates, hours of
23 service, method of operation, rules, and regulations estab-
24 lished or approved by the Parking Board and posted in
25 such parking facility by the lessee.

1 RATES

2 SEC. 11. (a) The Parking Board shall establish and,
3 from time to time revise, with or without public hearings,
4 schedules of rates to be charged for use of space in each
5 parking facility established pursuant to this Act. Any such
6 schedule of rates established by the Parking Board for use
7 of space in any parking facility operated by the Parking
8 Board shall be comparable to the schedule of rates for use
9 of space in any parking facility which is operated by a private
10 parking operator and which is similar to, and in the same
11 vicinity as, the parking facility operated by the Parking
12 Board. In establishing rates under this Act, the Parking
13 Board shall (1) consider, among other factors, the existing
14 rates charged by privately operated parking facilities serving
15 the same vicinity; and (2) consider, in light of the overall
16 transportation needs and problems of the District metro-
17 politan area, the extent to which long-term and short-term
18 parking is desirable at each location and shall fix a schedule
19 of rates for each location which is designed to encourage the
20 types of use that are desired at such location. The Parking
21 Board is authorized to provide rate differentials for such
22 reasons as the amount of space occupied, the location of the
23 facility, and other reasonable differences.

24 (b) The rates to be charged for the parking of motor

1 vehicles within any parking facilities leased pursuant to this
2 Act shall be fixed at rates that will enable the lessee to meet
3 all his obligations under his lease or leases; to defray all
4 reasonable and necessary operating expenses; and to earn
5 a fair and reasonable profit or return on his investment.

6 (c) The rates to be charged for the parking of motor
7 vehicles within any parking facilities sold by the Parking
8 Board under this Act, or constructed on any unimproved
9 real property leased under section 10 of this Act, shall be
10 fixed at rates that will enable the purchaser or lessee, as the
11 case may be, to meet all his obligations under the purchase
12 or lease agreement or agreements to amortize his investment
13 over a reasonable period; to defray all reasonable and neces-
14 sary operating expenses; and to earn a fair and reasonable
15 profit or return on his investment.

16 AUTHORITY TO ISSUE OBLIGATIONS

17 SEC. 12. (a) (1) The Parking Board is authorized to
18 issue and sell, upon such terms and conditions as it shall by
19 resolution prescribe, its obligations having such maturities
20 and bearing such rate or rates of interest as may be deter-
21 mined by the Parking Board, except that not more than \$50,-
22 000,000 in such obligations shall be outstanding at any time.
23 Obligations issued under this Act shall be offered at public
24 sale to the lowest responsible bidder. Such obligations may
25 be made redeemable at the option of the Parking Board be-

1 fore maturity in such manner as may be stipulated in such
2 obligations. The principal of and the interest on any such
3 obligations so issued shall be payable out of any moneys or
4 revenues of the Parking Board available under the provisions
5 of this Act.

6 (2) Obligations authorized hereunder may be issued
7 by the Parking Board in the form of temporary, interim,
8 or definitive bonds, at one time or from time to time, for
9 any of its corporate purposes, including acquiring necessary
10 cash working funds, constructing, reconstructing, extending,
11 or improving a parking facility or facilities or any part
12 thereof and acquiring any property, real or personal, useful
13 for the construction, reconstruction, extension, improvement,
14 or operation of a parking facility or part thereof. The Parking
15 Board shall also have power from time to time to refund
16 any bonds by the issuance of refunding bonds, whether the
17 bonds to be refunded shall have or have not matured, and
18 may issue bonds partly to refund bonds outstanding and
19 partly for any other of its corporate purposes. To the extent
20 feasible, the provisions of this Act governing the issuance
21 and securing of other obligations shall govern refunding
22 bonds. All bonds issued under the provisions of this Act
23 shall have and are hereby declared to have all the qualities
24 and incidents of negotiable instruments under article 3 of
25 the Uniform Commercial Code of the District. The Parking

1 Board shall determine the date, the price or prices, and the
2 terms of redemption, and the form and the manner of exe-
3 cution of the bonds, including any interest coupons to be
4 attached thereto, and shall fix the denomination or denomi-
5 nations of the bonds and the place or places of payment
6 of principal and interest, which may be at any bank or trust
7 company within or without the District. In case any officer
8 whose signature or a facsimile of whose signature shall ap-
9 pear on any bonds or coupons shall cease to be such officer
10 before the delivery of such bonds, such signature or such
11 facsimile shall nevertheless be valid and sufficient for all
12 purposes the same as if he had remained in office until such
13 delivery, and any bond may bear the facsimile signature
14 of, or may be signed by, such person as at the actual time
15 of the execution of such bond shall be duly authorized to
16 sign such bond although at the date of such bond such
17 person may not have been such officer. The bonds may
18 be issued in coupon or in registered form, or both, as the
19 Parking Board may determine, and provision may be made
20 for the registration of any coupon bonds as to principal
21 alone and also as to both principal and interest, for the
22 reconversion into coupon bonds of any bonds registered as
23 to both principal and interest, and for the exchange of
24 either coupon bonds or registered bonds without coupons
25 for an equal aggregate principal amount of other coupon

25

1 bonds or registered bonds without coupons, or both, of any
2 denomination or denominations.

3 (3) In the discretion of the Parking Board, bonds may
4 be secured by a trust agreement by and between the Parking
5 Board and a corporate trustee, which may be any trust
6 company or bank having the powers of a trust company
7 within or without the District. Such trust agreement may
8 contain provisions for protecting and enforcing the rights
9 and remedies of the bondholders, including covenants setting
10 forth the duties of the Parking Board in relation to the
11 acquisition of property and the construction of parking fa-
12 cilities and the improvement, maintenance, operation, repair,
13 and insurance of parking facilities, the rates to be charged
14 and the custody, safeguarding, and application of all moneys;
15 shall set forth the rights and remedies of the bondholders
16 and of the trustees; may restrict the individual right of
17 action by bondholders; and may contain such other pro-
18 visions as the Parking Board may deem reasonable and
19 proper for the security of the bondholders. All expenses
20 incurred in carrying out the provisions of such trust agree-
21 ment may be treated as a part of the cost of operation.

22 (4) In order to secure the payment of its bonds, the
23 Parking Board shall have power, in the resolution authoriz-
24 ing the issuance thereof or in the trust agreement securing

26

1 such bonds (which shall constitute a contract with the
2 holders thereof) to—

3 (A) pledge all or any part of its revenues, includ-
4 ing future revenues, the proceeds of bonds and any other
5 moneys available to the Parking Board;

6 (B) covenant with respect to pledges of revenues,
7 liens, mortgages, sales, leases, any property then owned
8 or thereafter acquired, or against permitting or suffering
9 any lien on such revenues or property;

10 (C) covenant with respect to limitations on any
11 right to sell, lease, or otherwise dispose of any parking
12 facility or part thereof, or any property of any kind;

13 (D) covenant with respect to the terms of any
14 bonds to be issued, the custody, application, investment,
15 and disposition of the proceeds thereof, the issuance of
16 additional bonds, the incurring of any other obligations
17 by it, the payment of the principal of and the interest
18 on the bonds or any other obligations, the sources and
19 method of such payment, the rank or priority of any
20 such bonds or other obligations with respect to any lien
21 or security or as to the acceleration of the maturity of
22 any such bonds or other obligations; and

23 (E) covenant with respect to the replacement of
24 lost, destroyed, or mutilated bonds.

25 The Parking Board is further authorized to pledge as security

1 for revenue bonds, the revenues of parking meters, and to
2 covenant with respect to the installation, relocation, opera-
3 tion, and maintenance of parking meters; the maintenance
4 of its real and personal property, the replacement thereof;
5 the insurance to be carried thereon and use and disposition
6 of insurance money; the rates and other charges to be estab-
7 lished and charged by the Parking Board under the authority
8 of this Act; the amount to be raised each year or other
9 period of time by rentals, sales, fees, rates, or other charges,
10 and as to the use and disposition to be made thereof; and
11 for the creation of special funds and accounts, including
12 reasonable reserves.

13 (b) Obligations issued by the Parking Board, their trans-
14 fer, and the income therefrom (including any profit made on
15 the sale thereof), shall be exempt from all taxation (except
16 estate, inheritance, and gift taxes) now or hereafter imposed
17 by the United States or the District, any State, territory, or
18 possession, or any county, municipality, or other municipal
19 subdivision or taxing authority of any State, territory, or
20 possession of the United States.

21 (c) Notwithstanding any restrictions on investment con-
22 tained in any other laws, all domestic insurance companies,
23 domestic insurance associations, and executors, administra-
24 tors, guardians, trustees, and other fiduciaries within the Dis-

1 trict of Columbia, may legally invest any sinking funds,
2 moneys, or other funds belonging to them or within their con-
3 trol in any bonds or other obligations issued pursuant to this
4 Act, except that nothing contained in this subsection shall
5 be construed as relieving any person, firm, or corporation
6 from any duty of exercising reasonable care in selecting secu-
7 rities for purchase or investment.

8 (d) No trustee or receiver of any property of the Park-
9 ing Board shall assign, mortgage, or otherwise dispose of all
10 or part of any parking facility established under this Act,
11 except in the manner and to the extent permitted under any
12 trust or other agreement securing an obligation of the Park-
13 ing Board. A trustee under any trust or other agreement
14 securing an obligation of the Parking Board may be author-
15 ized in the event of default under any such trust or agree-
16 ment to seek the appointment of a receiver who may enter
17 and take possession of any parking facility of the Parking
18 Board, operate and maintain such facility, collect all revenues
19 arising therefrom, perform all duties required by this Act
20 or by any trust or other agreement securing an obligation of
21 the Parking Board to be performed by the Parking Board
22 or any officer thereof, and take possession of the revenues
23 from parking meters applicable to the payment of any obli-
24 gations of the Parking Board.

1 nant or agreement entered into by the Parking Board shall
2 prohibit it from relocating parking meters.

3 EXEMPTION FROM TAXATION

4 SEC. 14. The Parking Board shall not be required to pay
5 any taxes or assessments upon any parking facilities or any
6 part thereof, or upon the income thereof. In lieu of such taxes
7 or assessments the Parking Board shall pay to the District
8 an amount equal to the taxes or assessments that would have
9 been levied against the property of the Parking Board were
10 the Parking Board not exempt from taxation. The exemption
11 from taxes and assessments hereunder shall not be extended
12 to any interest in a parking facility conveyed by the Parking
13 Board to a grantee or lessee. The requirement to make pay-
14 ments in lieu of taxes shall be subordinate to the obligations
15 of the Parking Board under any bond, mortgage, obligation,
16 other evidence of indebtedness, or contract.

17 FRINGE LOTS

18 SEC. 15. (a) Notwithstanding any other provision of
19 this Act, the Parking Board is authorized, after consultation
20 and coordination with the Washington Metropolitan Area
21 Transportation Authority, and the Metropolitan Washington
22 Council of Governments, to establish fringe lots in the Na-
23 tional Capital area. The head of any Federal or District
24 government agency or department is authorized to make
25 lands in the National Capital area under his jurisdiction and

1 control available, on such terms and conditions as he shall
2 determine, to the Parking Board for use by it in establishing
3 fringe lots under this section. No fringe lot shall be estab-
4 lished outside the District, except on land owned by the
5 United States, or any department or agency thereof, unless
6 the Parking Board has first obtained approval therefor from
7 the local governing body of the jurisdiction in which such
8 fringe lot may be located.

9 (b) The Parking Board is authorized to operate any
10 fringe lot established by the Board under this section, or to
11 lease any such fringe lot pursuant to such terms and con-
12 ditions as the Board may determine. The Parking Board is
13 further authorized to operate or arrange for the operation of
14 such fringe lots without charge to the persons patronizing
15 such lots.

16 (c) As used in this section, the term "fringe lot" shall
17 mean a parking lot primarily open to public use for the long-
18 term parking of motor vehicles, located at or beyond the
19 fringe of the central business district of the District served by
20 buses, rail transit, or other mode of mass transportation.

21 NATIONAL CAPITAL PLANNING COMMISSION

22 SEC. 16. (a) On and after the effective date of this Act
23 the Parking Board or any person desiring to acquire existing
24 parking facilities, construct new parking facilities, or lease
25 property for use as parking facilities shall submit to the

1 National Capital Planning Commission for its review and
2 recommendations thereon their plans for the acquisition,
3 construction or leasing of such facilities or properties. The
4 recommendations of the Commission shall be advisory in
5 nature.

6 (b) The National Capital Planning Commission is au-
7 thorized, whenever such plans are forwarded to it in accord-
8 ance with the provisions of this section, to study such plans
9 and make such report thereon as the Commission, in its
10 discretion, determines is necessary. If no such report on such
11 plans is submitted by the Commission within sixty days
12 from the date the Parking Board or such person forwards
13 them to the Commission, the Commission's approval of such
14 plans shall be assumed.

15 (c) Nothing in this section shall be construed as super-
16 seding any existing law or provision of law relating, directly
17 or indirectly, to the construction, establishment, expansion,
18 operation, or location of parking facilities in the District.

19 COMMISSION OF FINE ARTS TO REVIEW PLANS

20 SEC. 17. (a) The Parking Board shall, in accordance
21 with the provisions of the Act of May 16, 1930 (40 U.S.C.
22 121), submit to the Commission of Fine Arts the plans for
23 each parking facility which the Parking Board proposes to
24 construct or which is to be constructed on land leased by
25 the Parking Board.

1 STUDY

2 SEC. 18. The Advisory Council shall undertake a study
3 of the relationship between parking requirements and zoning
4 regulations, with specific reference to the District planning
5 proposals and the District zoning study now underway.

6 NOTICE TO PARKING BOARD OF SCHEDULE OF RATES TO BE
7 CHARGED BY PRIVATE PARKING FACILITIES

8 SEC. 19. Every person owning or operating a parking
9 facility in the District shall, pursuant to such rules and reg-
10 ulations as shall be established by the Parking Board, file in
11 writing a complete schedule of the rates charged by such
12 person for the storing or parking of motor vehicles in such
13 facility, and in no case shall such person, following the filing
14 of such schedule of rates, make any charge for such storing
15 or parking in excess of that set forth in such schedule so filed
16 until forty-eight hours after he has notified the Parking
17 Board in writing of the new schedule of rates which he in-
18 tends to charge. Nothing herein shall be construed as au-
19 thorizing the Parking Board to fix or regulate such rates.
20 The provisions of this section shall not be applicable with
21 respect to any parking facility the rates of which are subject
22 to the control and regulation of the Parking Board under this
23 Act. Any person who shall violate this section shall be sub-
24 ject to a fine of not less than \$100 and not to exceed \$500.

1 AUDITS AND REPORTS

2 SEC. 20. (a) All receipts and expenditures of funds by
3 the Parking Board pursuant to the provisions of this Act
4 shall be made and accounted for under the direction and
5 control of the Commissioners in like manner as is provided
6 by law in the case of expenditures made by the government
7 of the District. Nothing contained in this section shall be
8 construed to prevent the Parking Board from providing, by
9 covenant or otherwise, for such other audits as it may con-
10 sider necessary or desirable.

11 (b) A report of any audit required under subsection (a)
12 shall be made by the Parking Board to the Congress not
13 later than one hundred and twenty days after the close of
14 the Parking Board's fiscal year. The report shall set forth the
15 scope of the audit and shall include a verification by the
16 person conducting the audit of statements of (1) assets and
17 liabilities, (2) capital and surplus or deficit, (3) surplus
18 or deficit analysis, (4) income and expenses, and (5) sources
19 and application of funds, and a verification by such person
20 of separate income and expense statements for each facility,
21 including as an expense item a payment in lieu of taxes.

22 (c) The Parking Board shall submit together with the
23 audit report, a comprehensive report to the Congress sum-
24 marizing the activities of the Parking Board for the pre-
25 ceding fiscal year.

1 POWERS OF PARKING BOARD

2 SEC. 21. (a) The Parking Board, in performing the
3 duties imposed upon it by this Act, shall have all the powers
4 necessary or convenient to carry out and effectuate the pur-
5 poses and provisions of this Act, including the power—

6 (1) to sue and be sued, to compromise and settle
7 suits and claims of or against it, to complain and defend
8 in its own name in any court of competent jurisdiction,
9 State, Federal, or municipal;

10 (2) to adopt, alter, and use a corporate seal which
11 shall be judicially noticed;

12 (3) to adopt, prescribe, amend, repeal, and enforce
13 bylaws, rules, and regulations for the exercise of its
14 powers under this Act or governing the manner in which
15 its business may be conducted and the powers granted to
16 it by this Act may be exercised and enjoyed;

17 (4) to make, deliver, and receive deeds, leases, and
18 other instruments and to acquire easements, rights-of-
19 way, licenses, and other interests in land, and to take
20 title to real and other property in its own name;

21 (5) to construct and equip parking facilities in the
22 District and to exercise all powers necessary or con-
23 venient in connection therewith;

24 (6) to borrow money, to mortgage or hypothecate

1 its property, or any interest therein, pledge its revenues,
2 and to issue and sell its obligations;

3 (7) to appoint and employ, subject to the provisions
4 of title 5, United States Code, governing appointments
5 in the competitive service, and other applicable laws
6 relating to employees of the District, such officers,
7 agents, engineers, accountants, appraisers, and other per-
8 sonnel for such periods as may be necessary in its judg-
9 ment, and to determine the services to be performed by
10 them on behalf of the Parking Board;

11 (8) to procure and enter into contracts for any
12 types of insurance and indemnity against loss or damage
13 to property from any cause, including loss of use or
14 occupancy, against death or injury of any person, against
15 employers' liability, against any act of any director,
16 officer, or employee of the Parking Board in the per-
17 formance of the duties of his office or employment, or
18 any other insurable risk;

19 (9) to deposit its moneys and other revenues in any
20 bank incorporated under the laws of the United States;

21 (10) to spend its revenues, or any funds appropri-
22 ated to carry out the purposes of this Act;

23 (11) to employ, or to enter into contracts with,
24 consulting engineers, architects, accountants, legal coun-

1 sel, construction and financial consultants, managers,
2 superintendents, and such other consultants and technical
3 experts as in the opinion of the Parking Board may be
4 necessary or desirable, without regard to section 3709
5 of the Revised Statutes, the civil service, classification
6 and pay laws, and section 3109 of title 5, United States
7 Code;

8 (12) to enter into all contracts and agreements,
9 in addition to those otherwise mentioned herein, neces-
10 sary or incidental to the performance of the functions
11 of the Parking Board and the execution of its powers
12 under this Act, except that as otherwise provided in
13 this Act, all such contracts or agreements shall be subject
14 to competitive bidding unless the value thereof does not
15 exceed \$2,500;

16 (13) to sell, exchange, transfer, or assign (in ac-
17 cordance with the general law of the District governing
18 disposal by the District of real or personal property,
19 including interests therein) any property, real or per-
20 sonal, or any interested therein, which was acquired
21 under the authority of this Act, and which has been
22 determined, after public hearing, to be no longer neces-
23 sary for the purposes of this Act.

24 (14) to obtain from the United States, or any

1 agency thereof, loans, grants, or other assistance on
2 the same basis as would be available to the District.

3 (b) Notwithstanding the provisions of paragraph (13)
4 of subsection (a) of this section, the Parking Board shall
5 not have the authority to exchange, sell, or transfer any
6 real property acquired by condemnation within one year
7 following such acquisition unless the owners of such prop-
8 erty at the time of its acquisition by the Parking Board shall
9 first have been afforded a reasonable opportunity to reacquire
10 such property for an amount equal to that paid to them by
11 the Parking Board plus the cost of improvements made by
12 the Parking Board to such property, if any.

13 COMMISSIONER AUTHORIZED TO PROVIDE ASSISTANCE TO
14 PARKING BOARD

15 SEC. 22. (a) The Commissioner of the District is au-
16 thorized to aid and cooperate in the planning, undertaking,
17 construction, reconstruction, extension, improvement, main-
18 tenance, or operation of any parking facility established
19 pursuant to this Act by providing, subject to reimbursement,
20 such services, assistance, or facilities as the Parking Board
21 may request.

22 (b) Subject to the reimbursement to the District by
23 the Parking Board for the salaries, retirement, health bene-
24 fits, and similar costs for such employees, there shall be
25 made available to the Parking Board such number of em-

1 ployees of the District as the Parking Board certifies are
2 necessary to the proper discharge of its duties in carrying
3 out the purposes of this Act, which employees shall be
4 subject to the provisions of title 5, United States Code,
5 governing appointments in the competitive service.

6 (c) The provisions of the second paragraph under the
7 caption "For Metropolitan Police" in the first section of the
8 Act entitled "An Act making appropriations to provide for
9 the expenses of the Government of the District of Columbia
10 for the fiscal year ending June thirtieth, nineteen hundred,
11 and for other purposes", approved March 3, 1899 (D.C.
12 Code, sec. 4-115), authorizing the Board of Commissioners
13 of the District to appoint special policemen for duty in con-
14 nection with the property of corporations and individuals,
15 shall be applicable with respect to the property of the
16 Parking Board.

17 (d) The Corporation Counsel of the District of Co-
18 lumbia is authorized and directed in all matters to act as
19 counsel for the Parking Board, except insofar as the Parking
20 Board may find it necessary or convenient to retain outside
21 legal counsel.

22 DEFINITIONS

23 SEC. 23. As used in this Act, the term—

24 (1) "District" means the District of Columbia;

25 (2) "person" means an individual, firm, copart-

1 nership, association, or corporation (including a non-
2 profit corporation) ;

3 (3) "revenues" means all payments received by the
4 Parking Board from the sale or lease of parking facilities,
5 all moneys received from the operation of parking meters,
6 authorized to be pledged, and all income and other
7 moneys received by the Parking Board from any other
8 source ;

9 (4) "parking facility" means a parking lot, parking
10 garage, or other structure (either single- or multi-level
11 and either at, above, or below the surface) primarily
12 for the offstreet parking of motor vehicles, open to public
13 use for a fee, and all property, rights, easements, and
14 interests relating thereto which are deemed necessary
15 for the efficient and economical construction or the
16 operation thereof ;

17 (5) "parking garage" means any structure (either
18 single- or multi-level and either at, above, or below the
19 surface) which is open to public use for a fee and which
20 is primarily used for the offstreet parking of motor
21 vehicles ; and

22 (6) "National Capital area" means the District
23 and all surrounding jurisdictions which are commonly
24 recognized as part of the District metropolitan area.

1 ABOLITION OF THE DISTRICT OF COLUMBIA MOTOR VEHICLE
2 PARKING AGENCY AND TRANSFER OF FUNDS AND
3 PROPERTY TO PARKING BOARD

4 SEC. 24. (a) The Motor Vehicle Parking Agency
5 created by Reorganization Order of the Board of Commis-
6 sioners of the District of Columbia Numbered 54 and recon-
7 stituted under Organization Order of the Board of Commis-
8 sioners of the District of Columbia Numbered 106 (D.C.
9 Code, title 1, appendix is abolished. The functions, posi-
10 tions, personnel, equipment, property, records, and unex-
11 pended balances of appropriations, allocations, and other
12 funds, available or to be made available relating to the Motor
13 Vehicle Parking Agency are transferred to the Parking
14 Board.

15 (b) All positions, personnel, equipment, property, rec-
16 ords, and unexpended balances of appropriations, allocations,
17 and other funds, available or to be made available relating to
18 the function of installing, repairing, replacing, and removing
19 parking meters on the public streets of the District are trans-
20 ferred to the Parking Board from the Department of High-
21 ways and Traffic.

22 (c) Section 11 of the Act approved April 4, 1938
23 (D.C. Code, sec. 40-616), is repealed.

42

1 REPEAL

2 SEC. 25. The District of Columbia Motor Vehicle Park-
3 ing Facility Act of 1942 (D.C. Code, secs. 40-801—40-
4 809a) is repealed.

5 EFFECTIVE DATE

6 SEC. 26. This Act and the amendments made by this Act
7 shall take effect on the first day of the first month which
8 begins more than ninety days after the date of its enact-
9 ment.

91ST CONGRESS
1ST SESSION

S. 337

A BILL

To establish a public parking authority in the
District of Columbia.

By Mr. TYDINGS and Mr. SPONG

JANUARY 16 (legislative day, JANUARY 10), 1969
Read twice and referred to the Committee on the
District of Columbia